IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7533 of 2005

Between:

K.N. Raju, S/o. Narsimulu,
R/o. H.No.2-2-292, PSR Road, Khammam, Khammam

District.

..... PETITIONER

AND

-

1 The Regional Manager, APSRTC, Khammam Region,

Khammam District.
2 The Divisional Manager, APSRTC, Khammam Division,

Khammam District.
3 The Depot Manager, APSRTC, BHADRACHALAM, Bus

Depot, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the proceedings No.E1/2(9)/91-BCM, dt.26.09.1992 as illegal, arbitrary and unjust and consequently set aside the proceedings No.E1/2(9)/91-BCM, dt.26.09.1992 issued by the 3rd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court at the admission stage made the following :

ORDER:

Heard both sides.

The petitioner questions the order dated 26-9-1992 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K. Mastan v. Managing Director, APSRTC** held that imposition of punishment of postponement of increment with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondents have no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment without cumulative effect for a period of one year, which shall not have the effect of postponing the future increments. No costs.

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K.C. Bhanu, J.

6th April 2005

js.

To

1 The Regional Manager, APSRTC, Khammam Region,

Khammam District.
2 The Divisional Manager, APSRTC, Khammam Division,

Khammam District.
3 The Depot Manager, APSRTC, BHADRACHALAM, Bus

Depot, Khammam District.

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